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Docket No.: 199894US-8

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TECHNOLOGY CENTER 2800

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/832,885
Applicants: Naoki TSUKIJI, et al.
Filing Date: April 12, 2001
For: SEMICONDUCTOR LASER DEVICE AND
SEMICONDUCTOR LASER MODULE
Group Art Unit: 2826
Examiner: J. P. Mondt

SIR:

Attached hereto for filing are the following papers:

PROVISIONAL ELECTION OS SPECIES

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Bradley D. Lytle

Registration No. 40,073

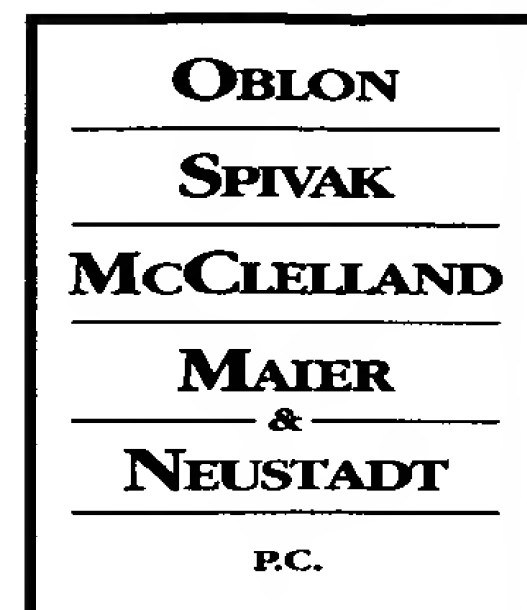


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199894US8



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

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TECHNOLOGY CENTER 2800

IN RE APPLICATION OF:

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NAOKI TSUKIJI ET AL.

: GROUP ART UNIT: 2826

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FILED: APRIL 12, 2001

: EXAMINER: MONDT

FOR: SEMICONDUCTOR LASER DEVICE AND SEMICONDUCTOR LASER
MODULE

PROVISIONAL ELECTION OF SPECIES

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In response to the Election Of Species requirement dated July 2, 2002, Applicants provisionally elect Species I of Figures 1-4 for examination on the merits, and identify Claims 1-6, 36-41 and 65-69 as reading on the elected species. Applicants further point out that Claims 1 and 36 read on Species I-V identified by the Election Of Species requirement, and therefore should be considered generic to these species. Applicants submit, therefore, that if generic Claim 1 or 36 is allowed, the remaining claims, although non-elected, should also be allowed.¹

Applicants wish to thank Examiner Mondt for the July 28, 2003, interview at which time the outstanding issues in this case were discussed. During the discussion, Applicants explained that Species I-V of the outstanding Election of Species Requirement cover all claimed embodiments of this case, and therefore, Claims 78-82 should not be withdrawn

¹See MPEP §806.04(d).

from consideration as indicated in the summary of the outstanding Official Action.

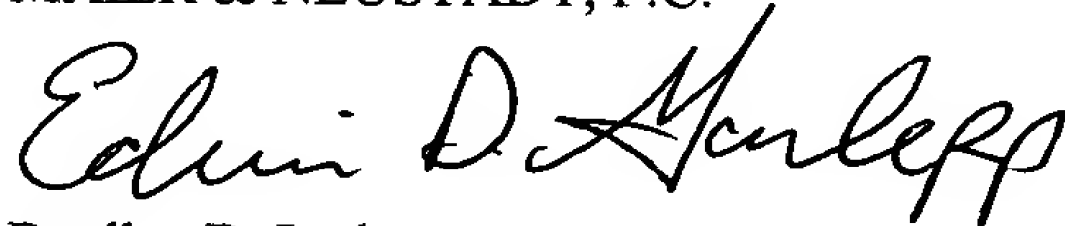
Specifically, Claims 78-82 read on Species IV (Figure 12) and Species V (Figures 13-16).

Therefore, Applicants submit that, while Claims 78-82 may be withdrawn in response to this Election as directed to non-elected species IV and V, if generic Claims 1 and 36 are allowed, then Claims 78-82 are allowed as indicated above.

Therefore, examination of Claims 1-6, 36-41 and 65-69 is believed to be in order. A favorable action is therefore respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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